



AB 610: Fair Housing Practices Act

Summary:

AB 610 aims to strengthen compliance with housing element laws by mandating a thorough analysis of governmental constraints and program requirements impacting housing development. This bill closes a loophole to require cities to disclose every new or modified housing requirement—such as fees, permit requirements, or design rules—when they submit their housing master plan (housing element) to the state. To stop housing from being built, several cities in California add new fees or construction standards as a way to stall construction. With AB 610, if a city fails to follow state-approved housing plans, they will forfeit their ability to deny housing projects that Californians need.

Background:

Under existing law, housing elements are required to encompass an analysis of various constraints that restrict housing development. These constraints include land use controls, building codes and their enforcement, site improvements, fees, exactions imposed on developers, local permit processes, and any ordinances that directly affect the cost and availability of residential units. Additionally, local jurisdictions must demonstrate efforts to alleviate these constraints to meet housing demands effectively.

Problem:

The effectiveness of the housing element review system hinges on local governments' transparency regarding any new or more burdensome policies they are contemplating. When municipalities fail to disclose such information to HCD, the constraints analysis becomes incomplete, as it does not accurately reflect real-time conditions.

This lack of disclosure often leads to local governments proposing new restrictions or fees after HCD has already reviewed and certified their housing elements. Such actions can significantly

undermine compliance with State law, hinder project approvals, and restrict developers' abilities to make necessary concessions under existing frameworks.

Solution:

To address the persistent challenges identified in the housing development process, AB 610 introduces essential amendments to housing element law. The bill prohibits local governments from implementing new or stricter regulatory constraints on housing after HCD certification, unless these regulations were explicitly included in the previous constraints analysis.

Furthermore, should new constraints be disclosed to HCD, local authorities cannot allocate resources to enact these policies until all previously committed efforts to reduce constraints are fulfilled to HCD's satisfaction. Exceptions to this rule are strictly limited to emergencies related to health or safety or compliance with new federal or state mandates established after housing element certification. By fostering transparency and accountability, AB 610 aims to create a more effective framework for meeting housing needs statewide.

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